

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN MILLINER,

Plaintiff,

v.

DAVID DIGUGLIELMO, et al.,

Defendants.

CIVIL ACTION

No. 08-4905

ORDER

AND NOW, this 16th day of March, 2010, it is hereby **ORDERED** as follows:

(1) Plaintiff's Request to Accept the Plaintiff's Amended Petition as an Addition to the Plaintiff's Originally Filed Complaint (Docket No. 31) is construed as a motion to amend under Rule 15(a)(2) of the Federal Rules of Civil Procedure, and so construed, the motion is **GRANTED**;

(2) Defendants' motions to dismiss prior versions of the complaint (Docket Nos. 8, 14, 25, 27, and 29) are **DENIED AS MOOT**;

(3) Plaintiff's discovery requests (Docket Nos. 20, 21, 22, and 33) are **DENIED WITHOUT PREJUDICE** to requesting discovery relevant to any claims that remain following this court's disposition of defendants' pending motions to dismiss;

(4) Plaintiff's Request to Enter a Judgment of Default Against Defendant Carroll Osgood (Docket No. 17) and Request to Strike Defendant Carroll Osgood's Motion to

Dismiss (Docket No. 24) are **DENIED AS MOOT**;

(5) Plaintiff's Motion to Compel this Court to Rule Upon His Pending Motions

(Docket No. 34) is **DENIED AS MOOT**;

(6) Plaintiff's Request for a Stay in These Proceedings (Docket No. 40) is

GRANTED, and proceedings in this case are stayed for thirty (30) days after the entry of
this Order;

(7) Plaintiff is directed to inform this court within thirty days if he prefers to
proceed *pro se* instead of waiting for the appointment of counsel; and

(8) The Clerk is directed to send plaintiff copies of this court's Orders dated
August 13, 2009 and September 30, 2009 (Docket Nos. 23 and 37) contemporaneously
with copies of this order and the accompanying memorandum.

BY THE COURT:

/s/Louis H. Pollak
Pollak, J.